

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q77326

Kyung-ah KIM

Appln. No.: 10/733,579

Group Art Unit: 2424

Confirmation No.: 8600

Examiner: Franklin S. ANDRAMUNO

Filed: December 12, 2003

For: BROADCAST PROGRAM INFORMATION SEARCH SYSTEM AND METHOD

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated January 6, 2011. Entry of this Reply Brief is respectfully requested.

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REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41
Appln. No.: 10/733,579

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STATUS OF CLAIMS

Claims 1-15, 17-19, 21 and 23-24 are the claims pending in the present application, stand finally rejected and are all subject of this Appeal. Claims 16, 20 and 22 are cancelled.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-4, 7 and 23-24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts et al. (U.S. Publication No. 2005/0278741; hereinafter “Robarts”) in view of Lee et al. (U.S. Patent No. 6,463,428; hereinafter “Lee”) and further in view of Dagtas et al. (U.S. Publication No. 2003/0093260; hereinafter “Dagtas”).

Claims 8-15, 17-19 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts in view of Lee and Dagtas, and further in view of Kikinis (U.S. Patent No. 7,213,256; hereinafter “Kikinis”).

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts in view of Lee and Dagtas, and further in view of Hori et al. (U.S. Patent No. 7,209,942; hereinafter “Hori”).

ARGUMENT

In addition to the arguments set forth in the Appeal Brief filed October 7, 2010, Appellant responds to certain points made in the Examiner's Answer as follows.

In the Examiner's Answer in page 15, line 14 to page 16, line 5, the Examiner cites column 5, lines 1-5 and 14-15 of Lee, and paragraph [0255] of Dagtas for allegedly disclosing the claimed feature of "wherein the search frequency corresponds to a frequency at which the search terms are input from the external input device." Appellant respectfully disagrees with the Examiner for at least the following reasons.

In column 5, lines 14-15, Lee discloses that the keywords in the list could each be ranked based on the frequency in which the keyword appeared in the search result. Also, in column 5, lines 1-5, Lee discloses "[e]xtracting the significant keywords from the descriptions of chosen records and/or from records returned by the queries based on frequency of occurrence." These cited portions merely disclose a frequency at which the keywords appear in the descriptions of chosen records. However, the frequency of appearance in the description does not teach or suggest frequency at which the search terms are input from the external input device. That is, the claimed feature is directed to the input frequency of the search terms, whereas Lee is directed to determining the number of times a search term appears in a description.

Dagtas also does not teach or suggest this feature of claim 1. In paragraph [0055], Dagtas at most discloses a controller that generates a message asking the user to input a desired search field weight factor. However, even if Dagtas discloses an input from an external device, it does not teach or suggest a frequency at which the search terms are input from the external input

device. As such, even if, *assuming arguendo*, the teachings of Lee and Dagtas were to be combined as proposed by the Examiner, such a combination still does not teach or suggest the claimed feature of “the search frequency corresponds to a frequency at which the search terms are input from the external input device.” For instance, the Examiner’s proposed combination would at most disclose a system asking the user to input a desired search field weight factor and ranking a list based on the frequency in which a keyword appeared in the search result. As such, the combination of Lee and Dagtas do not teach or suggest these claimed features of claim 1. Robarts also does not teach these features.

In addition, Appellant respectfully disagrees with the Examiner’s assertion in page 16, line 9 of the Examiner’s Answer that “the search frequency at which the search terms are input is not specified in the claim.” Appellant notes that the claim expressly recites “wherein the search frequency corresponds to a frequency at which the search terms are input from the external input device.” As such, one of ordinary skill in the art would be able to interpret the claimed feature in light of the specification, to require the search frequency to correspond to a frequency at which the search terms are input from the external input device.

Lastly, Appellant respectfully submits that since none of the references discloses the claimed search frequency, it would not have been obvious to one of ordinary skill in the art to combine the references, to create a server that is configured to extract from the first database based on an order of priority based on search frequency, wherein the search frequency corresponds to a frequency at which the search terms are input from the external input device.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully submits that the rejections of claims 1-15, 17-19, 21 and 23-24 fail to establish a *prima facie* case of unpatentability of Appellant' claims, and thus, should be reversed. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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WASHINGTON OFFICE

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